

Devin G. Nunes,)	Case No. 5:19-cv-04064-CJW-MAR
)	
Plaintiff,)	
)	
v.)	
)	
Ryan Lizza, Hearst Magazines, Inc., and)	
Hearst Magazine Media, Inc.,)	
)	
Defendants.)	
)	
<hr/>)	Case No. 5:20-cv-04003-CJW-MAR
)	
NuStar Farms, LLC, Anthony Nunes, Jr.,)	Defendants' Notice of Filing Proposed
and Anthony Nunes, III,)	Less-Redacted Version of Reply
)	Statement of Undisputed Material Facts
Plaintiffs,)	Under Seal
)	
v.)	
)	
Ryan Lizza and Hearst Magazine Media,)	
Inc.,)	
)	
Defendants.)	
)	

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In support of this notice, Defendants state:

1. On November 7, 2022, Defendants filed their resisted Motion to Unseal, proposing to maintain redactions of personal identifying information, sensitive financial information, or other information legitimately protected by the Protective Order or applicable rules, while unsealing everything else. *See* [ECF No. 124]. With extremely narrow exceptions, Plaintiffs opposed the Motion to Unseal, arguing without explanation that Defendants' proposal was "grossly irresponsible." *See* [ECF Nos. 129].

2. Pursuant to the Court's Order of October 20, 2022, Defendants filed the Reply and supporting documents, including the Reply SUF, entirely under seal on December 9, 2022. *See* [ECF No. 138].

3. Because Plaintiffs opposed the Motion to Unseal and failed to timely file a public unredacted version of their Resistance to the Summary Judgment Motion ("Resistance"), Defendants filed a heavily redacted public version of the Reply, Reply SUF, and supporting documents, on December 16, 2022. *See* [ECF No. 139, 140].

4. Later the same day, on December 16, 2022, Plaintiffs late filed a public version of their Resistance papers with very limited redactions, mooted the vast majority of their confidentiality designations applicable to all the papers submitted in support of or in resistance to the Summary Judgment Motion. *See* [ECF No. 141]. Notwithstanding Plaintiffs' having filed a resistance to the Motion to Unseal, the public version of Plaintiffs' Resistance demonstrates that Defendants' Motion to Unseal is essentially unopposed.

5. Defendants now file the present version of a minimally-redacted Reply SUF, which should be filed publicly consistent with the principles set forth in the Motion to Unseal, and consistent with the public version of the Resistance. Pending resolution of the Motion to

Unseal, set for hearing on January 6, 2023, Defendants file the proposed less-redacted Reply
SUF under seal. Following the principles set forth in the Motion to Unseal, nothing in the
Reply brief itself warrants sealing—therefore Defendants do not submit another proposed
redacted version of that document.

WHEREFORE, Defendants Ryan Lizza and Hearst Magazine Media, Inc. hereby file the
accompanying sealed proposed redacted version of their Reply SUF in support of their Summary
Judgment Motion against all Plaintiffs.

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Dated: January 3, 2023.

**Ryan Lizza and Hearst Magazine Media, Inc.,
Defendants**

/s/ Jonathan R. Donnellan

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Certificate of Service

The undersigned certifies that a true copy of **Defendants' Notice of Filing Proposed Less-Redacted Version of Reply Statement of Undisputed Material Facts Under Seal** was served upon the following parties through the Court's CM/ECF electronic filing system on January 3, 2023.

Copy to:

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